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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/980,564

11/30/2001

Andre Lieber

30429-2USWO

8863

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7590

04/20/2006

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EXAMINER

MARVICH, MARIA

ART UNIT

PAPER NUMBER

1633

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/980,564

Examiner

Maria B. Marvich, PhD

Applicant(s)

LIEBER ET AL.

Art Unit

1633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to an amendment filed 11/22/05.
2. ☒ The allowed claim(s) is/are 121-145.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

This supplemental Examiner's Amendment is in response to a telephonic interview with Applicant where it was noted that the word "the" occurs twice due to the Examiner's Amendment mailed 3/13/06. For convenience, the entire Examiner's Amendment filed 3/13/06 has been presented in its Entirety below with the only change being to delete the second "the" in claim 121, line 17 and 122, line 16.

Claims 1-120 have been cancelled. Claims 121-145 are pending.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Miyamoto on February 16, 2006.

In claim 121, line 2, the phrase "comprising a parallel DNA strand and an anti-parallel DNA strand," following the phrase "recombinant, double-stranded, adenovirus vector" has been deleted.

In claim 121, line 13, the word "nucleotide" prior to the phrase "sequence that mediates" has been deleted and replaced with the word -- gene--.

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In claim 121, line 16, the phrase “the parallel strand of the” prior to the word “vector” has been deleted and replaced with the word -- one strand of the double-stranded --.

In claim 121, line 17, the phrase “anti-parallel strand” prior to the phrase “comprises a nucleotide” has been deleted and replaced with the word -- other of the two strands of the double-stranded vector --.

In claim 122, line 2, the phrase “comprising a parallel and an anti-parallel DNA strand,” following the phrase “recombinant, double-stranded, adenovirus vector” has been deleted.

In claim 122, line 12, the word “nucleotide” prior to the phrase “sequence that mediates” has been deleted and replaced with the word -- gene--.

In claim 122, line 15, the phrase “the parallel strand” prior to the phrase “of the vector” has been deleted and replaced with the word -- one strand of the double-stranded vector --.

In claim 122, line 16, the phrase “anti-parallel strand” prior to the phrase “comprises a nucleotide” has been deleted and replaced with the phrase -- other of the two strands of the double-stranded vector --.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nguyen, PhD can be reached on (571)-272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maria B Marvich, PhD
Examiner
Art Unit 1633

March 29, 2006



**DAVE TRONG NGUYEN
SUPERVISORY PATENT EXAMINER**